

ASSEMBLY BILL 325 (LRB -2893)

An Act to renumber and amend 66.1003 (8) (a); and to create 62.73 (1m), 66.1003 (8) (a) 2. and 82.10 (4) (a) 6. of the statutes; relating to: notice of proposed vacation of certain highways.

2009

06-16.	A.	Introduced by Representatives Steinbrink, Petrowski, Turner and Molepske Jr. ; cosponsored by Senators Holperin, Lehman, Miller, Plale, Kreitlow, Hansen and Taylor.	
06-16.	A.	Read first time and referred to committee on Transportation	266
07-16.	A.	Public hearing held.	
09-10.	A.	Executive action taken.	
09-15.	A.	Report passage recommended by committee on Transportation, Ayes 11, Noes 0	370
09-15.	A.	Referred to committee on Rules	370
09-15.	A.	Placed on calendar 9-17-2009 by committee on Rules.	
09-17.	A.	Read a second time	391
09-17.	A.	Ordered to a third reading	391
09-17.	A.	Rules suspended	391
09-17.	A.	Read a third time and passed	391
09-17.	A.	Ordered immediately messaged	391
09-18.	S.	Received from Assembly	313
09-23.	S.	Read first time and referred to committee on Commerce, Utilities, Energy, and Rail	335

2010

01-19.	S.	Executive action taken.	
01-19.	S.	Report concurrence recommended by committee on Commerce, Utilities, Energy, and Rail, Ayes 7, Noes 0	486
01-19.	S.	Available for scheduling.	
01-19.	S.	Placed on calendar 1-21-2010 by committee on Senate Organization	491
01-21.	S.	Read a second time.	
01-21.	S.	Ordered to a third reading.	
01-21.	S.	Rules suspended.	
01-21.	S.	Read a third time and concurred in.	
01-21.	S.	Ordered immediately messaged.	
01-21.	A.	Received from Senate concurred in	589

2009
ENROLLED BILL

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ADOPTED DOCUMENTS:

☒ Orig ☐ Engr SubAmdt

09 2893/1

Amendments to above (if none, write "NONE"): None

Corrections - show date (if none, write "NONE"): None

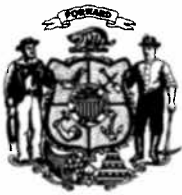
Topic Rel

1-21-10

Date

JRM

Enrolling Drafter



2009 ASSEMBLY BILL 325

June 16, 2009 – Introduced by Representatives STEINBRINK, PETROWSKI, TURNER and MOLEPSKE JR., cosponsored by Senators HOLPERIN, LEHMAN, MILLER, PLALE, KREITLOW, HANSEN and TAYLOR. Referred to Committee on Transportation.

1 **AN ACT** *to renumber and amend* 66.1003 (8) (a); and *to create* 62.73 (1m),
2 66.1003 (8) (a) 2. and 82.10 (4) (a) 6. of the statutes; **relating to:** notice of
3 proposed vacation of certain highways.

Analysis by the Legislative Reference Bureau

Under current law, the common council of a city, except a first class city, or a village or town board (governing body) may discontinue all or a portion of a public way. A proceeding to discontinue a public way may be initiated by a written petition of owners of property fronting on the way or by resolution of the governing body. Upon receipt of a petition or introduction of a resolution, the governing body must provide public notice of the time and place at which the petition or resolution will be considered. The governing body is also required to provide a copy of the petition or resolution to the secretary of transportation if the public way that is the subject of the petition or resolution is located within one-quarter mile of a state trunk highway or connecting highway.

Also under current law, the common council of a first class city may discontinue a highway, street, alley, ground, waterway, public walk or other public grounds (public facility) within the corporate limits of the city. A proceeding to discontinue a public facility may be initiated by a petition of all owners of property abutting the public facility or by resolution of the common council. A notice of hearing must be served upon all owners of record of property abutting the public facility subject to the discontinuance proceeding.

Under this bill, a governing body or the common council of a first class city must provide a copy of the petition or resolution to discontinue to the commissioner of

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railroads if there is a railroad highway crossing within the portion of the public way or public facility that is the subject of the petition or resolution to discontinue.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 62.73 (1m) of the statutes is created to read:

2 62.73 (1m) Upon receiving a petition under this section or upon introduction
3 of a resolution under this section, the common council shall deliver a copy of the
4 petition or resolution to the commissioner of railroads if there is a railroad highway
5 crossing within the public facilities proposed to be vacated.

6 **SECTION 2.** 66.1003 (8) (a) of the statutes is renumbered 66.1003 (8) (a) (intro.)
7 and amended to read:

8 66.1003 (8) (a) (intro.) Upon receiving a petition under sub. (2) or (3) or upon
9 the introduction of a resolution under sub. (4), the city, village, town, or county shall
10 deliver a copy of the petition or resolution to ~~the~~ all of the following:

11 1. The secretary of transportation, if the public way or unpaved alley that is the
12 subject of the petition or resolution is located within one-quarter mile of a state
13 trunk highway or connecting highway.

14 **SECTION 3.** 66.1003 (8) (a) 2. of the statutes is created to read:

15 66.1003 (8) (a) 2. The commissioner of railroads, if there is a railroad highway
16 crossing within the portion of the public way that is the subject of the petition or
17 resolution.

18 **SECTION 4.** 82.10 (4) (a) 6. of the statutes is created to read:

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82.10 (4) (a) 6. The commissioner of railroads, if there is a railroad highway crossing, within the portion of the highway that is the subject of the application or resolution.

(END)